

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-22655-2017

Date of Decision: 04.10.2017

Suresh Hooda

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Ramesh Malik, Advocate for the petitioner.

AMOL RATTAN SINGH, J. (Oral).

By this petition, the petitioner, who is working as an Assistant Project Coordinator in the office of the District Project Coordinator, Rohtak, challenges his transfer to the Government Senior Secondary School, Mandholi Kalan (Bhiwani), as a Post Graduate Teacher in Mathematics, vide the impugned order dated 19.09.2017 (Annexure P-1).

A perusal of the said order shows that the petitioner is being transferred out as he is (allegedly) involved in financial irregularities.

Learned counsel for the petitioner submits that the petitioner has been 'condemned unheard', his transfer having been effected on the aforesaid ground without hearing him at all.

This petition is consequently disposed of with a direction to respondent no. 2 to treat this writ petition as a representation and to take a decision on the grievance of the petitioner within a period of one month from the date of receipt of certified copy of this order, by passing a speaking order.

Though learned counsel for the petitioner has now stressed hard for the impugned transfer order to be stayed in the meanwhile, it however, only being a transfer on the aforesaid allegation, I am not inclined to stay the transfer, it being a contingency of service and in the aforesaid circumstances the petitioner may also have been suspended from service. Further, no punishment order whatsoever has been passed against the petitioner so far.

Learned counsel for the petitioner has also vehemently contended that the post in question does not form a part of the transfer policy framed and therefore, the petitioner in any case would have a right of hearing before his transfer.

I am not inclined to agree with that argument either, in view of the fact that in my opinion the respondents have taken the best course possible, on the allegation of a financial irregularity.

Consequently, the prayer for staying his transfer pending the decision of the second respondent, is declined.

However, it is made clear that the observations made here-in-above are only in response to the argument of the learned counsel for staying the order of transfer, and shall not be considered as any observation made by this Court on the merits of the case of the petitioner, in any manner whatsoever.

(Amol Rattan Singh)
Judge

04.10.2017

Divyanshi

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No